

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

MALIC STEPHENS,)	
)	
Petitioner,)	
)	
v.)	CASE NO. CV422-283
)	CR420-064
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
_____)	

O R D E R


Before the Court is the Magistrate Judge's February 1, 2023, Report and Recommendation (Doc. 7), to which Petitioner has filed no objection.¹ After a careful review of the record,² the report and recommendation (Doc. 7) is **ADOPTED** as the Court's opinion in this case. The Government's Motion to Dismiss is **GRANTED**. (Doc. 3.) As a result, Petitioner's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct a Sentence is **DISMISSED**. (Doc. 1.) The Clerk of Court is **DIRECTED** to close the case.

¹ Unless otherwise stated, all citations are to Petitioner's civil docket on this Court's electronic filing system, CV422-283.

² The Court reviews de novo a magistrate judge's findings to which a party objects, and the Court reviews for clear error the portions of a report and recommendation to which a party does not object. 28 U.S.C. § 636(b)(1); see Merchant v. Nationwide Recovery Serv., Inc., 440 F. Supp. 3d 1369, 1371 (N.D. Ga. 2020) (outlining the standard of review for report and recommendations (citing Macort v. Prem, Inc., 208 F. App'x 781, 784 (11th Cir. 2006) (per curiam))).

Applying the Certificate of Appealability (COA) standards set forth in Brown v. United States, Nos. 407CV085, 403CR001, at *1-2 (S.D. Ga. Feb. 9, 2009), the Court discerns no COA-worthy issues at this stage of the litigation, so no COA should issue. 28 U.S.C. § 2253(c)(1); Rule 11(a) of the Rules Governing Section 2255 Proceedings for the United States District Courts ("The district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant.").

SO ORDERED this 6th day of April 2023.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA